

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 21

November 27, 2012

SUBJECT: OVERTIME DEPARTMENT RESPONSIBILITIES - RENAMED AND REVISED; PREPARATION FOR ROLL CALL - REVISED; AND EMPLOYEES TO REMAIN ON DUTY UNTIL RELIEVED - REVISED

PURPOSE: This Order revises and renames Section 3/708.02, *Overtime Department Responsibilities*, of the Department Manual, to ensure the timely reporting of overtime; and establishes procedures for receiving, forwarding, and responding to City and/or Department data via wireless devices and personal e-mail accounts. This Order also revises Sections 3/222.20, *Preparation for Roll Call*, and 3/222.50, *Employees to Remain on Duty Until Relieved*, of the Department Manual, in order to comply with current Department procedures and to allow watch commanders greater flexibility in adjusting their work hours.

The Department is required to ensure the timely reporting and compensation of overtime, in addition to managing its limited overtime budget. Department employees shall comply with the Department's procedures to obtain approval for overtime and to report overtime in a timely manner.

The Department recognizes that wireless devices greatly enhance communication; however, employees are not authorized to forward their Department e-mails to their personal devices and/or e-mail accounts without commanding officer (C/O) approval. Employees shall submit an Employee's Report, Form 15.07.00, to their C/O, requesting permission to forward their e-mails. Employees shall not forward their Department e-mails until C/O approval has been obtained. If an employee changes command, a new request must be submitted to the new C/O for approval.

Other applicable policies and procedures that address these issues are included in Department Manual Sections 3/405, *Confidential Nature of Department Records, Reports, and Information*; and 3/788.40, *Internet Usage Guidelines*. These sections are attached for reference.

PROCEDURE: Attached is the renamed and revised Department Manual Section 3/708.02, *Overtime Department Responsibilities*, with revisions indicated in italics. This Section is renamed as *Overtime - Department/Employee's Responsibilities* and revised to include procedures to ensure the timely reporting of overtime; and establishes procedures for

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receiving, forwarding, and responding to City and/or Department data via wireless devices and personal e-mail accounts.

In addition, this Order revises Department Manual Sections 3/222.20, *Employees to Remain on Duty Until Relieved*, and 3/222.50, *Preparation for Roll Call*. Section 3/222.20 has been revised to clarify the procedures for watch commanders and supervisors to begin their watch early to prepare for roll call. Section 3/222.50 has been revised to clarify the procedures regarding employees remaining on duty until relieved when assigned to a duty requiring continuity of assignment. Attached are the revised Manual Sections with revisions indicated in italics.

All Department employees shall sign the attached Acknowledgment of Receipt form and submit to the Area/divisional Training Coordinator within 30 calendar days of this Special Order being published. The Acknowledgment forms shall be collected by the Area/divisional Training Coordinator, placed in alphabetical order, and forwarded to the Special Assistant for Constitutional Policing within 60 calendar days of this Special Order being published. Area/divisional commanding officers shall ensure copies of the signed Acknowledgment forms are placed in the employees' divisional folder.

AMENDMENTS: This Order amends Sections 3/222.20, 3/222.50, and 3/708.02 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Internal Audits and Inspections Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK
Chief of Police

Attachments

DISTRIBUTION "D"

**DEPARTMENT MANUAL
VOLUME III
Revised by Special Order No. 21, 2012**

708.02 OVERTIME - DEPARTMENT/EMPLOYEE'S RESPONSIBILITIES. *Timely reporting and compensation of overtime assists the Department in meeting its obligations to its employees and is required for the Department to appropriately manage its limited budget. Unauthorized overtime, late reporting and/or late compensation of overtime create unanticipated costs and potential liability. Importantly, the Department has no "unwritten" policy that employees work overtime without compensation. Department policy is that all overtime worked shall be reported so that employees can be properly compensated. Moreover, there is no unofficial overtime tracking system "white time" or any other method that is inconsistent with established Department policies and procedures. In light of these policies, the following overtime procedures shall be followed by all Department employees.*

EMPLOYEE'S RESPONSIBILITIES. *Each employee who is eligible to receive overtime compensation is responsible for complying with the Department's policies and procedures regarding overtime, especially the requirements to obtain approval prior to working overtime and to accurately report all overtime worked in a timely manner, as defined below. **The requirement to obtain prior approval and report any overtime worked is considered a direct order and failure to do so will be considered a violation of Department policies and procedures, including insubordination, and serious misconduct, up to and including termination.***

*Employees **shall not** perform Department duties outside scheduled work hours without obtaining prior approval from his/her immediate supervisor or commanding officer (C/O).*

Exception: *Overtime required due to on-call or be-there court is considered pre-approved. Emergency situations requiring immediate law enforcement intervention do not require prior approval; however, the employee must report the overtime immediately after the emergency has been controlled and obtain approval for any additional overtime.*

If the employee is on-duty, overtime approval shall be obtained as soon as possible but no later than the employee's end of watch (EOW). If the employee is off-duty, overtime approval shall be obtained prior to working any overtime. Any employee who performs overtime work after a supervisor has refused to authorize overtime, and any supervisor who knowingly permits such work to occur, is engaging in serious misconduct.

*Employees are not authorized to forward their Department e-mails to their personal devices and/or e-mail accounts. Employees shall submit an Employee's Report, Form 15.07.00, to their C/O, requesting permission to forward their e-mails. Employees shall not forward their Department e-mails until C/O approval has been obtained. If an employee changes command, a new request must be submitted to the new C/O for approval. Employees who do have access to Department e-mails (including texts or any other type of messaging) from any personal device and/or e-mail account while off-duty **shall not** perform any work or take any action unless it has been **pre-approved in writing** by the employee's immediate supervisor or C/O.*

*Employees **shall accurately** report **any** overtime worked by submitting an Overtime Report, Form 02.24.00, at the employee's EOW or by the next business day if the employee is off-duty or away from the employee's regular work location. If an employee is not scheduled to work the next business day from the date the employee worked overtime, the employee shall report the*

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overtime telephonically to the employee's supervisor, or other on-duty supervisors, including the compensated time for making a telephonic report. Overtime worked shall be reported by employees to the nearest tenth of an hour.

Employees shall ensure that any overtime worked is also reported on any applicable timekeeping form, (e.g., Daily Sign-in Sheet, Form 15.19.00, Daily Field Activities Report, Form 15.52.00, Sergeant's Daily Report, Form 15.48.00, or Watch Commander's Daily Report, Form 15.80.00), and they shall accurately record actual (not scheduled) start-of-watch, Code 7 (if applicable) and EOW times on such form(s). Employees who are required to take an unpaid Code 7 shall accurately report their Code 7 or report their inability to take Code 7.

Employees, regardless of rank or title, shall not pressure, coerce, or dissuade an employee who is eligible for overtime compensation to work overtime without compensation. Department employees shall immediately report any employee who attempts to pressure, coerce, or dissuade an employee to work overtime without compensation to their supervisor, commanding officer or Professional Standards Bureau. Additionally, employees who request overtime compensation for hours or fractions of hours worked and are denied compensation, regardless if the overtime was pre-approved or not, shall notify their commanding officer as soon as practicable, or in the event their commanding officer denied the overtime request, their bureau commanding officer. Failure to compensate an employee for time worked constitutes serious misconduct.

SUPERVISOR'S RESPONSIBILITIES. *Supervisors are the Department's primary contact with Department employees, and as such, they have a critical role in ensuring compliance with the Department policies and procedures related to overtime. Therefore, any Department employee who supervises employees eligible to receive overtime compensation **shall**:*

- *Monitor employees to make sure they are not working outside their scheduled work hours without compensation;*
- *Review daily logs for completion and accuracy;*
- *Monitor employees to ensure timely submission of Overtime Reports for all overtime worked; and,*
- *Take action, if they become aware of overtime being worked without approval or without compensation. This action shall be documented on the appropriate Department form (e.g., Employee Comment Sheet, Form 01.77.00, Notice to Correct Deficiencies, Form General 78, or a Complaint Form, Form 01.28.00).*

*Supervisors must ensure that a subordinate is compensated for all legitimate overtime, whether pre-approved or not. If an employee violates the Department's overtime policy or procedures, a supervisor **cannot** deny the employee compensation (e.g., reject the employee's Overtime Report). Rather, the supervisor shall ensure that the employee submits an Overtime Report which accurately reports all overtime worked and take action as indicated above.*

COMMANDING OFFICER'S RESPONSIBILITY. *Commanding officers shall ensure employees adhere to these overtime procedures. Commanding officers are encouraged to conduct inspections of their command and ensure that appropriate action is taken, as detailed under Supervisor's Responsibilities, after becoming aware of any violation of the Department's overtime procedures.*

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222.20 PREPARATION FOR ROLL CALL. *Watch Commanders (WC) may adjust their work hours to begin their watch 15 minutes prior to their start-of-watch in order to prepare for roll call. Any additional time requires commanding officer's approval. If a supervisor other than the WC believes he/she needs to report to work early to prepare for roll call, he/she shall obtain prior approval from their immediate supervisor. If a supervisor receives approval to report early for a shift, his/her work hours should be adjusted, so that they remain consistent with his/her total number of scheduled work hours that day, barring exigent circumstances. If an employee adjusts their start-of-watch but is unable to adjust their end-of-watch for that day, he/she **shall** obtain approval to work overtime and complete an overtime report for any overtime worked. Adjusted time shall not be carried over to a different work day. All employees shall comply with overtime procedures established in Department Manual Section 3/708.02.*

222.50 EMPLOYEES TO REMAIN ON DUTY UNTIL RELIEVED. Department employees, regardless of their duty assignment, shall work the full time assigned for their tour of duty and shall not leave their assigned duty until such time as they are properly relieved.

An employee assigned to a duty requiring continuity of assignment may be relieved prior to the time established for the change of watch, provided the employee relieving accepts full responsibility for the assigned duties of the employee relieved, *e.g., an on-duty watch commander (WC) may be relieved from WC responsibilities by the WC of the following watch. The relieved employee must remain until his/her actual end-of-watch, or if approved, leave prior to EOW by using available time off (compensatory time off, vacation time, etc.).*

***Note:** An employee whose duties require him/her to remain on-duty past his/her scheduled end-of-watch **shall** notify his/her WC or commanding officer to obtain approval to work overtime. Additionally, an employee who works overtime shall complete an Overtime Report, Form 02.24.00. Employees shall comply with overtime procedures established in Department Manual Section 3/708.02.*

An employee assigned duties not normally requiring continuity of assignment into the succeeding watch shall remain on-duty until the time established as end-of-watch but need not be replaced in his or her duties by another employee in order to go off-duty.

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405. CONFIDENTIAL NATURE OF DEPARTMENT RECORDS, REPORTS, AND INFORMATION. All official files, documents, records, reports, photographs/imaging/recordings and information held by the Department or in the custody or control of an employee of the Department shall be regarded as confidential. Employees shall not disclose or permit the disclosure or use of such files, documents, reports, records, photographs/imaging/recordings or information, except as required in the performance of their official duties. The unauthorized use of information obtained through employment with the Los Angeles Police Department can subject the employee to possible disciplinary action and/or criminal prosecution. This includes information obtained from manually-stored records, as well as information obtained from automated records.

Note: Photographs/imaging/recordings include, but are not limited to, imaging such as mug shots, in-car video footage, digital interviews, audio or video recordings, etc.

Supervisors in units having access to terminal points for City-controlled computers containing confidential information shall complete an Operator Security Statement, Form 01.58.00, for each employee having access to such terminals.

Note: Generally, the home address, telephone number, and other personal information concerning Department employees should not be released even to other Department employees. It is recommended that the caller's information be documented and the subject employee be contacted with the information. If the requesting employee has an established need to know and right to know, and whose identity is verified by the watch commander, the subject employee need not be notified. An employee's home address, telephone number and other personal information may not be released to outside entities without the employee's written consent, a court order, upon direction of the Chief of Police, Chief of Staff, Special Assistant for Constitutional Policing or approval from Risk Management Division.

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788.40 INTERNET USAGE GUIDELINES. The use of the Internet or e-mail on a Department computer shall be restricted to "official Department business." Personal use of, or time spent for personal gain is prohibited. Violation of any of these guidelines may be considered misconduct and may result in disciplinary action.

These guidelines are applicable to all City or Department-owned or controlled computers, (LAN, Personal Computers and Laptops) and telephone lines. This includes access to computers at sites and facilities that are owned, leased, rented, or utilized by Department employees. Department employees utilizing the Internet or e-mail shall cooperate with any investigation regarding the use of computer equipment.

Department employees shall not:

- Gain access to or transmit California Law Enforcement Telecommunications System (CLETS) information through the Internet, including secondary dissemination of Criminal History Record information through a communications media such as Internet e-mail facilities and remote access file transfer;
- Conduct an unauthorized attempt to enter into any other computer, known as hacking, which is a violation of the Federal Electronic Communications Privacy Act (FECPA) 18 United States Code 2510;
- Copy or transfer electronic files without permission from the copyright owner;
- Send, post, or provide access to any confidential Department materials or information;
- Send private or confidential e-mail as delineated in Manual Section 4/105.15;
- Transmit chain letters;
- Send threatening, slanderous, offensive, racially and/or sexually harassing messages; and,
- Represent oneself as someone else, real or fictional, or send messages anonymously.

Note: Use of the Internet for certain investigations may require a deviation from the Internet guidelines. This could include the use of offensive language, impersonation, or use of an alias, and the accessing or downloading of offensive or explicit material. Department personnel must submit an Employee's Report, Form 15.07.00, and obtain approval from his/her commanding officer prior to engaging in such conduct. The Employee's Report must be filed in the employee's divisional package. When conducting a Department authorized investigation that requires these tactics for investigative purposes, they are not considered misconduct.

In addition to these general guidelines, employees utilizing the Internet are advised that the Department has the right to access all e-mail files created, received, or stored on Department systems, and such files can be accessed without prior notification.

ACKNOWLEDGMENT OF RECEIPT

I have received a copy of Special Order No. 21, dated November 27, 2012, titled "OVERTIME DEPARTMENT RESPONSIBILITIES – RENAMED AND REVISED; PREPARATION FOR ROLL CALL – REVISED; AND EMPLOYEES TO REMAIN ON DUTY UNTIL RELIEVED – REVISED."

I have read and understand the Department policies and procedures included in and attached to the Special Order. I will abide by the rules and will adhere to the provisions set forth in this Special Order and Department Manual Sections. I understand that any knowing violation of these rules or other violation of the overtime policy is insubordination and will subject me to disciplinary action.

Employee's Name and Serial Number (Printed)

Employee's Signature

Date

Signature and Serial Number of Supervisor
Serving this Special Order upon Employee

Date

Distribution

Original - Special Assistant for Constitutional Policing
Copy - Employee's Divisional Folder